



PUBLIC HEARING

January 29, 2010

Area-Wide Urban Runoff Management Program

Riverside County MS4 Permit
Tentative Order No. R8-2010-0033

San Bernardino County MS4 Permit
Tentative Order No. R8-2010-0036

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Common Elements Santa Ana Region MS4s

- ♦ **Background**
 - ♦ Regulatory Background
 - ♦ CWA Requirements
- ♦ **Major Issues**



REGULATORY BACKGROUND

- ♦ **1972 – CWA NPDES Permit Program**
- ♦ **1987 – Amendment CWA**
- ♦ **1990 – Phase I Storm Water Regulations**
- ♦ **1990 – R8 Phase I MS4s**
 - ♦ **OC – July 13, 1990 Order 90-71**
 - ♦ **RC - July 13, 1990 Order 90-104**
 - ♦ **SBC – Oct. 1990 Order 90-136**



MS4 Permit Renewals

- ♦ **First Term MS4s in 1990**
- ♦ **Second Term MS4s in 1996**
- ♦ **Third Term MS4s in 2002**
- ♦ **Fourth Term MS4s in 2009/2010**



BACKGROUND

- ♦ **R8-2009-0030 (Orange County MS4)**
 - ♦ Nov 10, 2008 – 1st Draft.
 - ♦ May 22, 2009 - Adopted.

- ♦ **R8-2010-0036 (San Bernardino County MS4)**
 - ♦ June 26, 2009 – 1st Draft.

- ♦ **R8-2010-0033 (Riverside County MS4)**
 - ♦ First Draft - July 23, 2009



BACKGROUND

Fourth – Term MS4 Timelines

- ♦ First Drafts – June 26/July 23, 2009
- ♦ Public workshop - August 3, 2009
- ♦ Second Drafts - October 22, 2009
- ♦ Third Drafts - December 15, 2009
- ♦ Public Hearing – January 29, 2010



Major Issues

- ♦ **Two major issues**
 - ♦ LID
 - ♦ TMDL
 - ♦ Numeric Effluent Limits
 - ♦ WQBEL
 - ♦ Anti-backsliding



Major Issues

Low Impact Development (LID) & Hydromodification Management (1)

- ♦ GOAL: to maintain or replicate pre-development hydrology and water quality using site design techniques and stormwater management engineering
 - ◆ Require each priority development project to infiltrate, harvest and use, evapotranspire, or bio-treat the 85th percentile storm event close to its source (design capture volume)
 - ◆ Implement flow/volume control measures to prevent hydromodification / protect stream habitat



Major Issues

Low Impact Development (LID) & Hydromodification Management (2)

Revised WQMP shall specify preferential use of Site Design BMPs that incorporate LID techniques, where feasible, in the following manner (from highest to the lowest priority):

- ◆ **Preventative measures** (these are mostly non-structural measures), e.g.,
 - ♥ preservation of natural features to a level consistent with the MEP standard;
 - ♥ minimization of Urban Runoff through clustering, reducing impervious areas, etc.) and
- ◆ **Mitigation measures** (these are structural measures, such as, infiltration, harvesting and use, bio-treatment, etc.).



Major Issues

Low Impact Development (LID) & Hydromodification Management (3)

The mitigation or structural site design BMPs shall also be prioritized (from highest to lowest priority):

- ◆ Infiltration BMPs
- ◆ BMPs that harvest and use (e.g., cisterns and rain barrels); and
- ◆ Vegetated BMPs that promote infiltration and evapotranspiration including bioretention, biofiltration and bio-treatment.

If there is a determination of LID infeasibility per Section XII.G, design capture volume specified in Section XII.D.4, that is not addressed by onsite or offsite LID BMPs as listed above shall be treated using conventional treatment control BMPs and participate in the in-lieu program as described in Section XII.G.



Major Issues

Low Impact Development (LID) & Hydromodification Management (4)

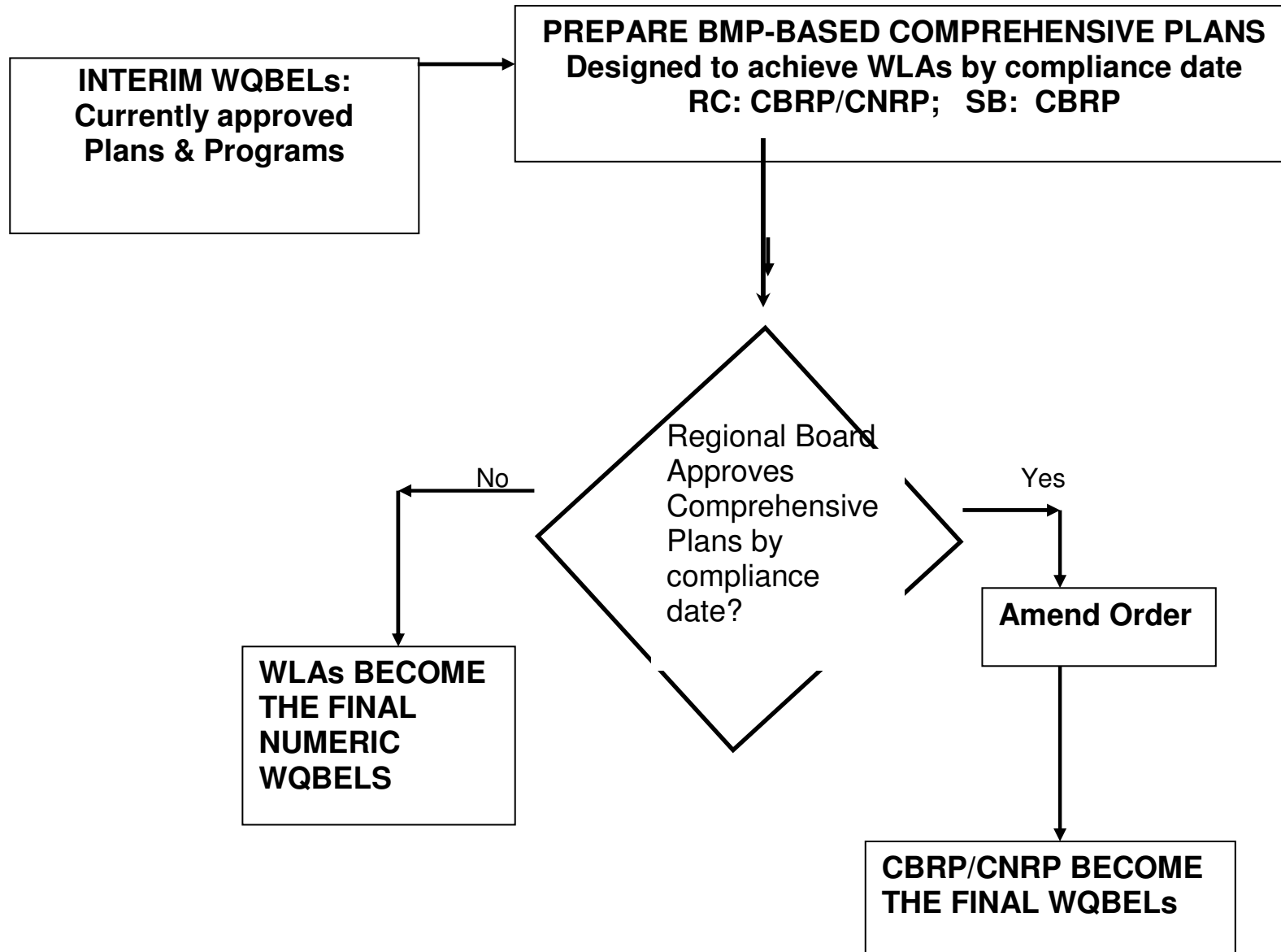
The Permittees shall continue to ensure, consistent with the MEP standard, through their review and approval of project-specific WQMPs that New Development and Significant Redevelopment projects do not pose a HCOC due to increased runoff volumes and velocities.

Alternatives and in-lieu programs may be considered if site conditions are infeasible

- ♥ Implement LID on a sub-regional and regional basis (Regional Analyses)
- ♥ Establish technically-based feasibility criteria (No net impact to WQ)
- ♥ May establish a water quality credit system for alternatives to LID

Major Issues

TMDLs





Major Issues TMDLs

- ♦ **Anti-backsliding** (Sections 402(o)(2) and 303(d)(4) of the CWA & 40 CFR 122.44(I))
 - ♦ Effluent limits in a permit may be relaxed prior to the effective date of any effluent limitations without any need to conduct an anti-backsliding analysis.
 - ♦ Section 303(d)(4) of the Clean Water Act applies.



Conclusion

- ♦ **The Riverside and San Bernardino County MS4s:**
 - ♦ Implement LID and HCOC principles.
 - ♦ Implement adopted TMDL WLAs.
 - ♦ Are consistent with the recently adopted North Orange County Permit.



SBC MS4 Footnotes

- ♦ Staff proposes to retain the footnotes shown in **strikeout** format except the following:
- ♦ Footnotes 7 (MEP), 29 (LID), 34 (WLA compliance), 47 (construction dewatering) only the first sentence should be deleted, 57 (General Construction SW Permit), 75 (Gen Const SW Permit), 85 (groundwater protection) and 88 (bio-treatment) only the first sentence should be deleted.



Recommendation

- ◆ Recommend adoption of the January 19, 2010 underline/strikeout versions of Order Numbers :
 - ◆ R8-2010-0033 for Riverside County;
and
 - ◆ R8-2010-0036 for San Bernardino County



Questions ?

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